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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-------------------------|---------------------|------------------|
| 10/012,223 | 10/30/2001 | Deborah Weissman-Berman | 10234.6806 | 5345 |

44538 7590 08/19/2005

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EXAMINER

LIN, KELVIN Y

ART UNIT PAPER NUMBER

2142

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/012,223

Applicant(s)

WEISSMAN-BERMAN ET AL.

Examiner

Kelvin Lin

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Detailed Action

Responds to Arguments

1. The Applicant's argument with respect to claims 1-11 have been considered but are not persuasive. Examiner appreciates detail description of prior art.
2. In response to applicant's argument that applicant's claimed invention is not an interception agent. **Nothing** is placed between the client's device and the server with Applicant's invention. The transmission is directly sent from the client's device to the server.

Examiner respectfully disagrees. In the Applicant's specification, page 5 line 20-28, the applicant clearly indicates that a system server integrated with a host system, WIDE™ together with WIDE feather may be defined as a middleware solution for integrating enterprise handheld resources.

Furthermore, Himmel's intercepting (not interception - as applicant argued) agent at a web server directly connecting to client device via wireless communication (Himmel, Fig. 3, component agent & device), provides an interface and services parsing scheme that bridges communication between client devices and server (Himmel, col. 2, l.36-40, col. 4, l.42-54), functions as a middleware as Applicant's citation in the specification mentioned above.

3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Nothing is placed between the client's device and the server with Application's

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invention) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Response to Amended Claims

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3-4, 6, and 8-11 are rejected under 35 USC 102(e) as being anticipated by Himmel M., (U.S. Patent 6167441).
6. Regarding claim 1, Himmel teaches a method for providing relatively faster Data processing for higher speed, wireless Internet communications between a mobile device and web server (Himmel, col.3, l. 10-15, col. 4, l.3-7), said method comprising the steps of:

- a. displaying an input page transmitted from a remote server on a screen of a wireless mobile device (Himmel, col. 7, l.27-28);
 - b. wirelessly transmitting input data entered on the input page from the wireless mobile device directly to the remote server (Himmel, Fig. 3, col.6, l.30-31, col.7, l.31-32, in Fig.3 the component device 101 PDA connect to web server wirelessly);
 - c. processing the transmitted data at the remote server (Himmel, col. 7, l.34-35); and
 - d. displaying an output page on the screen of the wireless mobile device based on the transmitted input data (Himmel, col. 7, l.37-38).
7. Regarding claim 3, Himmel further discloses the method for providing relatively faster throughput of claim 1 further comprising the step of formatting the output page to fit the screen of the wireless mobile device (Himmel, col. 7, l.35-36).
8. Regarding claim 4, Himmel further discloses the method for providing relatively faster throughput of claim 1 further comprising the step of generating HTML code for the output page prior to step (d) (Himmel, col. 7, l.5-16).
9. Regarding claims 6, and 8-9 have similar limitations as claims 1, and 3-4. Therefore, claims 6, and 8-9 are rejected for the same reasons set forth in the rejection of claims 1, and 3-4.
10. Regarding claims 10, and 11 have similar limitations as claims 1-4. Therefore, claims 10, and 11 are rejected for the same reasons set forth in the

rejection of claims 1-4.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel in view of DeLaHuerger (US Patent 6408330).
12. Regarding claims 2, 5, and 7, Himmel differs from the claimed invention in that it does not explicitly indicate the step of running the inputted data through one or more equations stored within a database and creating an output file of the result. However, DeLaHuerger clearly teaches that the information collect device (ICD) storing a physician's signature picture in data bases and when a document is to be electronically signed, the document is transmitted to the physician's ICD. The ICD retrieves the signature picture [which input from physicians], and places the modified mark on the scripted signature picture, then places the marked signature picture on the document containing watermark (photo) and retransmits the signed document to the terminal. The modified mark is expressed as a equation. (DeLaHuerger, col.17, l.55-65, col.42, l.35-67, col.43, l.1-3, in which the signature picture corresponds to the wireless communication directly transmit between server and device with discrete input and output).

Combines with Himmel's customized Web pages design and DeLaHuerga's remote data collecting method that improves the performance, and increase the effective and capacity. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Himmel's on Web Page design with DeLaHuerga's remote data collecting improve the performance.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTH from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898. The examiner can normally be reached on Flexible 4/9/5.

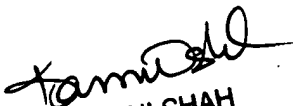
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KYL
8/10/2005


KAMINI SHAH
PRIMARY EXAMINER